

**In the Supreme Court of the United States**  
**OCTOBER TERM, 1973**

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**No. 73-556**

**FLORIDA POWER & LIGHT COMPANY, PETITIONER**

**v.**

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL  
WORKERS, LOCAL 641, ET AL.**

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**ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR  
THE DISTRICT OF COLUMBIA CIRCUIT**

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**MEMORANDUM FOR THE NATIONAL LABOR RELATIONS  
BOARD**

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The question presented by the petition is whether a union violates Section 8(b)(1)(B) of the National Labor Relations Act, 29 U.S.C. 158(b)(1)(B), by disciplining union members who are supervisors for performing the work of rank-and-file employees during a strike. The Board intends to file a petition for a writ of certiorari in the instant case and its companion,<sup>1</sup> which will

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<sup>1</sup>In the court below, the instant case, No. 71-1712, was consolidated with *International Brotherhood of Electrical Workers v. National Labor Relations Board*, No. 71-1559 (Pet. App. 3).

present the same issue. Accordingly, we do not oppose the petition.

Respectfully submitted.

ROBERT H. BORK,  
*Solicitor General.*

PETER G. NASH,  
*General Counsel,*  
*National Labor Relations Board.*

NOVEMBER 1973.

